

BOARD OF PUBLIC EDUCATION

CHAPTER 65

HOURS AND DAYS OF INSTRUCTION

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## Sub-Chapter 1

## Pupil Instruction-Related Days

10.65.101 POLICY GOVERNING PUPIL INSTRUCTION-RELATED DAYS APPROVED FOR BASE FUNDING PROGRAM CALCULATIONS (1) A school which in any fiscal year was in session for at least 180 pupil instruction days and provided the minimum aggregate hours required (20-1-301, MCA) may count for the year's foundation program a maximum of seven PIR days with a minimum of three of the days for instructional and professional development meetings or other appropriate in-service training. These seven PIR days in addition to the required 180 pupil instruction days and the minimum aggregate hours may be counted provided that such additional days did not include any time counted for pupil instruction as provided in 20-1-302, MCA and were used for one or more of the following purposes in accordance with the regulations hereby established:

(a) Staff orientation held prior to the beginning of pupil instruction for the purpose of organization of the school year.

(b) Staff professional development programs scheduled during the year for the purpose of improving instruction (ARM 10.55.714) shall include annual instructional and professional development meetings. Staff may attend either the instructional and professional development meetings or attend the equivalent number of hours of other appropriate inservice training as prescribed by the board of trustees. The board of trustees shall not prescribe equivalent hours during time approved for PI funding.

(c) Parent-teacher conferences for the purpose of acquainting parents with the school and the progress of their children. This day may be divided into hourly increments so as to provide six hours over two days and may occur in addition to, but may not duplicate, a pupil instruction (PI) day.

(d) Post-school record and report completion at the end of the pupil instruction year. This day may be divided so as to provide one-half day at the end of each semester or quarter.

(e) A school district may count for the year's foundation program a total of not more than three and one-half days in addition to the required 90 pupil instruction days and the minimum aggregate hours required for kindergarten purposes, provided that such additional days were used for one or more of the above-named purposes. (History: Sec. 20-2-121, 20-2-121(6), MCA; IMP, Sec. 20-1-304 MCA; Eff. 7/1/62; ARM Pub. 11/26/77; AMD, 1985 MAR p. 353, Eff. 9/1/86; AMD, 1987 MAR p. 102, Eff. 1/30/87; AMD, 1990 MAR p. 725, Eff. 4/13/90; AMD, 1994 MAR p. 2527, Eff. 9/9/94; AMD, 1998 MAR p. 349, Eff. 1/30/98.)

10.65.102 APPLICATION FOR AUTHORIZATION TO SCHEDULE PUPIL INSTRUCTION-RELATED DAYS (IS HEREBY REPEALED)  
(History: Sec. 20-2-121 MCA; IMP, Sec. 20-1-304 MCA; Eff. 7/1/62; ARM Pub. 11/26/77; REP, 1998 MAR p. 349, Eff. 1/30/98.)

10.65.103 PROGRAM OF APPROVED PUPIL INSTRUCTION-RELATED DAYS (1) A copy of the program planned and executed for each day approved by the board of trustees (except the annual instructional and professional development meetings) must be kept on file in the office of the appropriate school official. Such program may be subject to review by the state superintendent of public instruction.

(2) The program(s) for each approved day referred to in ARM 10.65.101(1)(a)-(d) shall be planned and executed so as to require the participation of each professional staff member for a total of six hours for each approved PIR day. Professional development time may be divided into no less than two hour increments to facilitate delivery of professional development programs.

(3) Saturdays and holidays, while not pupil instruction days, may be approved for pupil instruction-related days noted in ARM 10.65.101(1)(a)-(d). (History: Sec. 20-2-121 MCA; IMP, Sec. 20-1-304 MCA; Eff. 7/1/62; ARM Pub. 11/26/77; AMD, 1990 MAR p. 725, Eff. 4/13/90; AMD, 1998 MAR p. 349, Eff. 1/30/98.)

## Sub-Chapter 2

## Kindergarten Schedule Variances

10.65.201 POLICY STATEMENT ON KINDERGARTEN ACCREDITATION AND SCHEDULE VARIANCES (IS HEREBY REPEALED) (History: Sec. 20-2-121 MCA; IMP, Sec. 20-1-302 MCA; Eff. 3/12/74; ARM Pub. 11/26/77; AMD, 1983 MAR p. 220, Eff. 3/18/1983; AMD, 1988 MAR p. 1526, Eff. 9/1/88; AMD, 1989 MAR p. 662, Eff. 5/26/89; REP, 1998 MAR p. 349, Eff. 1/30/98.)

10.65.202 LOCAL DISTRICT PARTICIPATION (IS HEREBY REPEALED) (History: Sec. 20-2-121 MCA; IMP, Sec. 20-1-302 MCA; Eff. 3/12/74; ARM Pub. 11/26/77; AMD, 1983 MAR p. 220, Eff. 3/18/1983; AMD, 1988 MAR p. 1526, Eff. 9/1/88; REP, 1998 MAR p. 349, Eff. 1/30/98.)

## Sub-Chapter 3

## Compulsory School Attendance

10.65.301 GENERAL (1) The board of public education shall determine whether a private institution provides instruction in the program the board prescribes.

(2) The board of public education had designated as the basic instructional program the educational curriculum set forth in the Administrative Rules of Montana 10.55.402 and 10.55.403 as amended for application to private institutions.

(3) Students governed by compulsory attendance statutes, who are not enrolled and attending a public school must be enrolled in a private institution providing a basic instructional program as provided by the board of public education or be excused under another aspect of 20-5-10392), MCA. (History: Sec. 20-2-121, MCA; IMP, Sec. 20-7-111, MCA; NEW, 1981 MAR P. 1892, Eff. 1/1/82.)

10.65.302 PROCEDURES FOR ATTENDANCE OFFICER (1) The attendance officer is mandated to enforce the compulsory attendance provision of Montana school law and has been vested with the necessary police and investigatory powers to enforce compulsory attendance provisions of Montana law to ensure the children are enrolled and attending a public school or enrolled in a private institution which provides the basic instructional program; as described in 10.55.402 and 10.55.403 of the Administrative Rules of Montana.

(2) In the capacity of enforcing compulsory school attendance law the attendance officer may notify the county superintendent of his county of the existence of the private institution after determining that a child is enrolled in a private institution.

(3) The attendance officer shall, at the discretion of the county superintendent, accompany and/or assist the county superintendent in the county in determining whether the non-public school is providing the basic instructional program as prescribed. (History: Sec. 20-2-121, MCA; IMP, Sec. 20-5-101, MCA, 20-4-102, MCA; NEW, 1981 MAR p. 1892, Eff. 1/1/82.)

10.65.303 PROCEDURES FOR COUNTY SUPERINTENDENT (1) The county superintendent as an elected local school official must meet certain teaching and administrative qualifications in school matters. The county superintendent has general supervision of the schools of his county and is responsible to perform any duty prescribed by the board of public education.

(2) The office of public instruction will provide technical assistance to all county superintendents, upon their request, so they in turn can perform the mandates of this policy.

(3) The governing authority of a private institution may request the attendance officer to contact the county superintendent for a determination of whether a private institution is providing a basic instructional program.

(4) The county superintendent upon request by the attendance officer, shall contact the governing authority of the private institution and determine annually whether the children within his county who are attending a private institution are receiving a basic instructional program as set forth by the board of public education.

(5) If the county superintendent determines that the private institution is providing a basic instructional program as prescribed, the county superintendent shall notify the attendance officer that the private institution is providing the basic instructional program to the children of that institution and is therefore in compliance with the compulsory attendance law.

(6) Should the county superintendent determine that the children attending a private institution are not receiving a basic instructional program, he shall specify the deficiency(ies) to the governing authority of the institution and may allow the latter a reasonable probationary period of up to six months in which to correct the deficiency(ies), after which probationary period he shall report the same to the local attendance officer who then, if necessary shall pursue the remedies provided by law to assure that proper compulsory attendance at an institution with at least the basic instructional program is provided.

(7) The governing authority of a private institution which is found by the county superintendent not to provide a basic instructional program may appeal the county superintendent's decision to the board of public education and the board shall apply the Administrative Procedure Act in this appeal. (History: Sec. 20-2-121, MCA; IMP, Sec. 20-3-205(22), MCA; NEW, 1981 MAR p. 1893, Eff. 1/1/82.)